A DISCOURSE OF EPISCOPACY AND SACRILEGE.

By way of

LETTER.

Written in 1646.

By *Richard Steward*, D.D. Clerk of the Closet to King *Charles* the First.

Never before Printed.

LONDON,

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A

The PREFACE.

HE that will Reflect upon the laſt four Years, will ſcarce believe a Prefatory Apology needful for Printing this Diſcourſe: If at preſent the Madneſs of the People be in ſome Meaſure ſtilled, I think it not ill-timed, for I have taken the Advantage of a lucid Interval, and have offered them Reaſon when they have Recovered their Senſes, though not their Temper. It is with them as it is with the reſtleſs Ocean, *Poſito flatu inquietum Mare.* So now, though the Popular Breath of a pretended Patriot does not blow hard upon the Nation, yet the giddy Multitude remain unſettled, and are in great danger of a Relaps into the like Lunacy. This Letter was writ, 'tis true, in 46, but it is exactly Calculated for 82. For of late we have only Tranſcribed thoſe Times, as if we intended to Copy out the Iniquities of our Fore-Fathers. We are now full of Murmurings and Repinings, the Natural Product of Eaſe and Plenty, being almoſt tired with too long a Happineſs, as if we had deflowred our Felicity: For though we cry out ſo loud of Grievances, they are moſt like that of the Effeminate *Sybarite*, who, *Seneca* ſays, *Sæpius queſtus eſt quod foliis Roſæ duplicatis incubuiſſet.* We do not complain becauſe we are

really hurt, but becauſe we are too delicate. I may boldly Challenge the tendereſt Perſon of the Diſcontented Party to ſhew me one Princes Reign ſince the Conqueſt, in which the People of *England* have ſat under the ſhadow of their own Vines with leſs Diſturbance: But they that make the greateſt noiſe are Men that have been rejected by the Government, or elſe Perſons that would be ſilenced by Preferment, and would willingly loſe their Tongues with a ſilver Quinzy. There is a pleaſant Story in the Hiſtory of *Great Britain* of *Gondemar* the *Spaniſh* Embaſſador and a Lady, very applicable to our Times.

In thoſe Days there were ſome Ladies (who pretended to be Wits) had fair Nieces, or Daughters, which drew great Reſort to their Houſes; and where Company meet, the Diſcourſe is commonly of the Times. Theſe Ladies Gondemar *ſweetned with Preſents that were too ſour in their Expreſſions. He Lived at* Ely-Houſe *in* Holborn; *his Paſſage to the Court was ordinarily through* Drury-Lane, *and that Lane and the* Strand *were the Places where moſt of the Gentry Lived; and the Ladies as he went knowing his Times, would not be wanting to appear at their Balconies or Windows to Preſent him their Civilities, and he would watch for it; and as he was carried in his Litter, or bottomleſs Chair (the eaſieſt Seat for his Fiſtula) he would ſtrain himſelf as much as an Old Man could do to the Humbleſt Poſture of Reſpect. One day paſſing by the Lady* Jacobs *Houſe in* Drury-Lane, *ſhe expoſing her ſelf for a Salutation, he*

was

was not wanting to her, but she moved nothing but her Mouth, gaping wide open upon him. He wondred at the Ladys Incivility, but thought it might be happily a Yawning fit took her at that time, for trial whereof the next day he finds her in the same place, and his Courtesies were again accosted with no better Expressions than an extended Mouth. Whereupon he sent a Gentleman to her to let her know, that the Ladies of England *were more Gracious to him than to Encounter his Respects with such Affronts. She Answered, it was true, he had Purchased some of their Favours at a dear Rate; And she had a Mouth to be stopped as well as others.* Gondemar *finding the Cause of the emotion of her Mouth, sent her a Present, which Cured her of that Distemper.*

We find this Gaping-Sickness is broke out afresh in our Times, but it is grown much worse; for we are not only troubled with a silent extension of the Jaws, but it is attended with horrid Yellings against Evil Counsellors, when under that Appellation we would extort from our King his dearest Friends. Neither has the King only been remotely Attacqued in his Ministers of State, but the Mercenary Scribblers of the Age have Blasphemed him in their Prints. What swarms of written Lampoons besides have crept abroad, some writ by Wretches Cursed with a Wit too good, since they employ their Talents only to commit an Ingenious Iniquity. *Alexander* thought it too great a Priviledge for every Common Hand to Pourtraict Majesty, and therefore established that

Liberty

Liberty by a Law to none but Famed *Apelles*: Had he Lived in our Days, when Princes ſit to every drunken Poet, who purpoſely deforms his Soveraign, he had been impatient of ſo high an Indignity: But now Treaſon is uttered under the ſtrong Protection of a Rhime, and he paſſes for the greateſt Wit, whoſe Talent 'tis to fling the filthieſt Dirt in the Face of Gods Anointed. My Blood has oft grown warm at the repetition of a Modiſh Libel, to ſee how it has tickled the Conceits of empty Fops, whoſe Parts could reach no higher, than to underſtand the fulſome Ribaldry: For if there chanced to be any quaint Conceit, that was but loſt to their pert dulneſs, and paſs'd by with an Ignorant ſilence. He that will Burleſque his Prince, and ſuits Reproaches to the Genius of the Age, muſt pleaſe by a groſs and naked Obſcenity: For Men are come to that Unnatural Dyſcraſie as to reliſh or digeſt nothing but Poyſon, and Keck, and Vomit when you offer to their filthy Stomacks a wholſom and a cleanly Banquet. The Strumpet-Muſe of theſe our Modiſh Poets was bred up in Stews, and Brothels, and by her Language ſhe betrays her Education. They know not how to reach the Noble heights of a Civil well writ Poem, but grow weary of unaccuſtomed Goodneſs if once they dare to undertake that Task, for then their Parts are overcome, being not befriended, with thoſe baſer Helps of ſpeaking thoſe things that moſt Men bluſh to hear. Unhappy is that State where Princes

Faults

Faults are made the Paſtime of Buffoons; they are the common Calamities of the Nation, and every Subject ſhould become a Penitent when the King's a Sinner, for they provoke Heavens Vengeance by their Repreſentative, and often feel the Puniſhments that reſult from his Iniquities.

Quicquid delirant Reges plectuntur Achivi.

But if this Conſideration cannot reſtrain this Incontinency of Rhiming, but their Debauched Fancies will ſtill make Majeſty the Subject of their Droll, Publick Authority, it is to be hoped, will Correct theſe Poetical Traytors; and if they cannot be taught better Religion, they will be forced to better Manners. I muſt confeſs I have ventured to Cenſure this as an Immortality, and as an innovated Crime of latter Ages; but I find in a Modern Author, it is a Chriſtian Liberty of great Antiquity; for he has run it up ſo high, that I was in great dread that he would have proved it of Apoſtolical Inſtitution. But it ſeems it was certainly in Practice amongſt the Primitive Chriſtians at *Antioch*, whoſe Example he does alledge for its Juſtification; for he ſays, They Lampoon'd the Beard of the Emperour *Julian*, and Burleſqued his Princely Whiskers. Surely this Inſtance ſerves much better to prove the Lawfulneſs of Reviling the King, than to Confute the Doctrine of Paſſive Obedience. But yet this Revolted Divine would paſs for a true Son of the Church of *England*, though he Renounces her Doctrine

Doctrine and Practice; for he is very Angry she will furnish her Magazines with no other Weapons than Tears and Prayers, for he thinks he could manage a Carnal Sword for Preferment much better than a Spiritual, and for that Reason likes the *Alcoran* beyond the Gospel. I know he blames our Saviour in's Heart for commanding St. *Peter* to put up his Sword, and for not making use of those many Legions of Angels that would gladly have Rescued him from the *Jews*. But Alas! this Son lyes in his Mothers Bosom only to Betray her, and stays in the Vineyard, for the same Reason the Boar does, that he may have the better Conveniency of Rooting of it up. I know how unpalatable a Doctrine is maintained in this Discourse, but though, like the best Physick, it be bitter, it is wholsome, and will certainly Cure the Divisions of the Church, for they can have no pretence to Quarrel Episcopacy, if once they be perswaded that the Government by Bishops is *Jure Divino*. Neither do I believe the Notion of Sacriledge will have a better Taste in their Mouths; for it will not be worth while to pull down the Bishops if the Church-Lands cannot be shared, God Almighty being the real Proprietor. I hope this little Book may convince some of their Errors, but if not, I am sure it will confirm those that have embraced the Truth.

SIR,

YOU have put an odd task upon Me, in commanding my judgment on a Letter lately ſent to a Doctor in *Oxon*, with a Commiſſion to ſhew it to my Lord *Dorſet*, and to as many more as own Reaſon and Honeſty; for thus it is in the *Poſt-ſcript*, and many like paſſages more in the Letter: As, *That the more wiſe and Honeſt Party would make uſe of that Reaſon, &c.* And I know you to be too great a Maſter of Reaſon to be unſatisfied, which makes me fear, if perhaps I ſhould diſſent in opinion from this Epiſtler, I might be thought (at leaſt in his conceit) to incur a ſharp Cenſure both of Reaſon and Honeſty; which (I confeſs) at firſt ſomewhat troubled me, till I remembred you were wont to ſay, That when once Veſſels make ſuch noiſes as theſe, it was a ſhrewd ſign they were empty. He who wrote the Letter ſeems moſt deſirous of Peace, and truly ſo am I. Beſides, we agree in this, That we muſt not commit ſin for a good Cauſe: So that if peace it ſelf cannot be obtained without that guilt, we muſt be content with a worſe Eſtate. But you very well know, with how many ſeveral deceits our Affections can miſlead our Reaſon; you remember who it was that ſaid it to the very face of a Prophet, *I have kept the Commandments of the Lord:* and yet his ſin remained a great ſin ſtill, and much the worſe becauſe he excuſed it; for his guilt is leſs, that commits a ſin only, than his that undertakes to defend it; becauſe this cuts off all Repentance, nay, it makes a ſin grow up to that

more wicked height of a ſcandal; and ſo it is not only a ſnare to the ſinner himſelf, but it warrants many more to be ſinful.

Whether this *Oxford-Londoner* (for ſo I take this Epiſtler to be) hath not defended or made Apologies for ſin, and hath not in that ſenſe done Evil, that Good may come thereof, I am now to make enquiry; and I ſhall follow him in his two Generals.

1. The Delivering up of the Kings friends, whom they above call Evill Counſellors. And,

2. In the buſineſs of the Church.

1. For the Kings friends he ſayes, *I know not how you can with Reaſon gain-ſay the bringing of an Offender to Juſtice.* Indeed nor I neither, but what if they be not offenders? What if they be brought to Injuſtice? I know no man will refuſe to be Judged by a Parliament, whoſe undoubted Head, is the King ſitting there with an unqueſtioned Negative; nay, for His Majeſty to refer Deliquents to be judged by the Houſe of Peers ſitting in a Parliament, and judging according to the know Laws of the Realm, is that at leaſt which in my opinion will be ſtuck at. But the Parliaments Prerogative which this Letter ſpeaks of, being now ſo extended, we have cauſe to think it is a doubt in this caſe; Whether not only in point of Honour, but in point of Juſtice and Conſcience, the King for His own peace, can leave his Friends to ſuch men, whom he is bound by ſo many grand Ties to protect.

But this, Sir, I ſhall commit to you to determine; and if you return me a Negative, I ſhall not preſume to queſtion either your Reaſon or Honeſty. Nor ſhall I perſwade the Kings Friends that they ſhould baniſh themſelves, unleſs it were to do that great favour to the two Houſes of *Weſtminſter*, as to keep them from ſome future inhumane Act of Oppreſſion and Blood, becauſe they ſhall have none left to Act them on.

2. For the buſineſs of the Church, which he again divides into two parts. 1. That

1. That of Epiſcopacy.
2. That of Sacrilege.

In theſe, Sir, I ſhall ſpeak with leſs Hesitation, and clearly tell you the Epiſtler is quite out; And though you know me a great honourer of your Profeſſion, yet I cannot hold it fit for you to decide caſes of Conſcience, or in humane Actions to tell us, what is ſin, or not ſin: And I am confident, Sir, you will not take this ill at my hands.

1. For Epiſcopacy, his words are, if I miſtake not (and if I do, I pray you inform me) *The Opinion, that the Government by Biſhops is* Jure Divino, *hath but lately been Countenanced in the Church of* England, *and that but by ſome few of the more Lordly Clergy.* Theſe laſt words makes me ſuſpect ſome paſſion in the writer, as being in ſcorn heretofore taken up by men, who for a long time were Schiſmaticks in Heart, and are now Rebels in their Actions. And ſince the Laws of the Land makes ſome Church-men Lords, I do the more marvel, that the Epiſtler, who ſeems ſo Zealous for the Laws, ſhould be angry at that. So that though his profeſſion be, that he has undergone labours and hazards for the Epiſcopal Government; Yet truly Sir, I muſt think that it is then only fit for the Church to give him thanks, when ſhe has done all her other buſineſs.

But grant the Tenent to be but of late countenanced, it thence follows not, that it is any whit the leſs true: For in reſpect of the many hundred years of abuſe, the Reformation was but lately countenanced, and yet I take it for an unqueſtionable truth, that the *Laity* ought to have the Cup; And though I was not deſired to reform the Epiſtlers Errors, yet in charity I ſhall tell him he is out, when he affirms, that this opinion was but of late countenanced in the Church, as I could ſhew out of Archbiſhop *Whitgift*, by Biſhop *Bilſon*, and divers others. And ſince perhaps he might think theſe to be men of the more Lordly Clergy, I ſhall name one more who may ſtand for many, and who wrote forty years ſince, that

moſt excellent man Mr. *Hooker* (a Perſon of incomparable learning, and of as much modeſty, who, I dare be bold to ſay, never once dreamed of a *Rochet*) he avers in clear terms. "There are at this day in the Church of *England*, no other than "the ſame degrees of *Eccleſiaſtical* Order; Namely *Biſhops*, *Preſ-* "*byters* and *Deacons*, who had their beginning from Chriſt "and his Bleſſed Apoſtles themſelves; or as he expounds him- "ſelf, *Biſhops* and *Presbyters* are, and by Chriſt himſelf in the "Apoſtles, and *Seventy*, and then *Deacons* by the Apoſtles. I may add *Bucer* too (no man I am ſure of the Lordly Clergy) who though he was not *Engliſh* born, yet he was Profeſſour here in King *Edwards* time, and wrote, and dyed in this Kingdom. *Biſhops* (ſaith he) *are ex perpetua Eccleſiarum ordinatione ab ipſis jam Apoſtolis*; and more, *viſum eſt Spiritui ſancto*; and ſurely, if *Biſhops* be from the Apoſtles, and from the holy Spirit himſelf, they are by Divine Ordination. Nay, what think you, if this Tenent be approved by a plain Act of Parliament? I hope then it wants no Countenance *England* can give it, and it needs not fly for ſhelter under the wings of the Lordly Clergy. You have theſe words in the Books of Conſecration of *Archbiſhops* and *Biſhops*, which is confirmed by Parliament: *It is evident to all men reading holy Scripture and Ancient Authors, that from the Apoſtles time, there have been theſe orders of* Miniſters *in Chriſts Church*, Biſhops, Prieſts, *and* Deacons. And again, the prayer in the form of Conſecrating *Biſhops*----*Almighty God, giver of all good things, which by thy holy Spirit haſt appointed divers Orders of Miniſters in thy Church*; *Mercifully behold this thy Servant now called to the Work and Miniſtry of a Biſhop.*

And in the Queſtion to the Perſon to be conſecrated *Biſhop*, *Are you perſwaded you be called truly to this Miniſtration, according to the will of the Lord Jeſus Chriſt*, &c. I beſeech you Sir, conſider, whether theſe words, or the Prayer, could fall from any man not poſſeſſed with this Tenent, that *Epiſcopacy* is of Divine Right: For if the three Orders may be

be found by reading Scripture, together with antient Authors; if men are taught to pray, That God by his Spirit hath appointed divers Orders in his Church, and this made the ground of praying for the preſent *Biſhop*; If the Perſon to be conſecrated muſt profeſs, that he is called according to the Will of our Lord Jeſus Chriſt: either all this muſt be nothing but pure pageantry, and then the Parliament mocked God by their Confirmation; or elſe *Epiſcopacy* is grounded on Scripture, is appointed by the Spirit of God, is according to the Will of our Lord Jeſus, and all this hath not been ſaid of late, and countenanced only by ſome, *&c.* And we have the leſs reaſon to doubt, that this Tenent was countenanced in this Church of ours, becauſe we find it deſired in thoſe parts that have loſt *Epiſcopacy*. For we are told by Doctor *Charelton* (after Biſhop of *Chicheſter*, one that writ againſt the *Arminians*) more than twenty-five years ſince, That ſitting at *Dort*, he there proteſted in open Synod, that Chriſt ordained no Parity, but made twelve Apoſtles the Chief; ſo under them the *Seventy* Diſciples, then *Biſhops* ſucceeded the *Twelve*, and *Presbyters* the *Seventy* Diſciples. He affirmed this order had ſtill been maintained in the Church, and then challenged the Judgment of any learned man that could ſpeak to the Contrary: Their anſwer was ſilence, which was approbation enough. But after (ſaith he) diſcourſing with divers of the beſt learned of the Synod, He told them how neceſſary *Biſhops* were to ſuppreſs the then riſing Schiſms. Their anſwers were, That they did Honour & much Reverence that good Order and Diſcipline of the Church of *England*, and with all their hearts would be glad to have it eſtabliſhed amongſt them, but that could not be hoped for in their Eſtate; their hope was, that ſeeing they could not be what they deſired, God would be merciful to them that did what they could. If they hoped for mercy to pardon what they did, ſure they muſt ſuppoſe that what they did was ſinful; nay, they thought their neceſſity it ſelf could not totally excuſe

that

that sin; for then in that particular there had been no need of mercy. Nor could they well think otherwise, for being pressed, they denied not but that *Episcopacy* was of Christs own Institution, and yet they were not Lordly Clergy. Nor do I well see how either by charitable or civil men, they can at all be taxed either for want of Reason or Honesty.

But this *Londoner* goes on, and proves this Tenent, could not be here countenanced; for we alwayes allowed the *Protestants* of *Germany*, the *Low* Countrys, *&c.* part of the Reformed *Catholick*-Church, though they had no Bishops.

The Reformed *Catholick Protestant*-Church, a pretty expression, just like that so well known, the *Roman-Catholick* Church, which we were wont to call a *Popish* Solecisme, an Universal particular. But wee'l forgive him this Slip: Suppose his Sence be well worded, yet he has as ill luck in his Argument as his Expression. For though we do maintain, that *Episcopacy* is of Divine Right (*i. e.*) of divine Institution; does it then follow, That *Germany* and the *Low* Countrys are no *Protestant* Churches, or no part of the *Catholick* Church. I could almost believe, that the Author of this Letter writ from *London* indeed, for sure *Oxford* makes no such Arguments. No, it must be a Crime of most horrid Nature, that makes a Church run in *non Ecclesiam:* For though that of the *Jews* was bad, Idolatrically bad; yet God seriously professes, He had sent her no Bill of Divorce. Nay, no Learned Man of Judgment durst ever yet affirm, That the *Roman* Church her self, was become no true part of the Church-*Catholick*; and yet She breaks a flat Precept of Christs; *Drink ye all of this.* And shall we be thought to deny the same right unto Christians without *Bishops*, when they brake but Christ's Institutions? No! Churches they are, true parts of the *Catholick* Church, but in point of Ordination and Apostolical Government they are not: And to affirm this, will (I hope) be thought (I am assured by Learned Men) neither irrational nor unhonest.

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He goes on—— *I am certain the* King *would never have have way for Extirpation of* Biſhops *in* Scotland, *had he conceived them to be* Jure Divino. Grant it were ſo; yet of all mankind, are Kings only bound that they muſt not change their opinions? or if perhaps they have done ill, muſt they for their Repentance be far more reproached than Subjects for their Crimes?

The King would not have given way to *Presbyterians* and *Independents* to exerciſe Religion here in their own way (as by his late Engagement) when ſuch a Toleration in the face of a divine Law muſt needs be ſinful. There is a great miſtake in this Argument; for, to Tolerate, doth not at all ſignify either to approve or commend Factions; neither of which the King could at all do to groſs Schiſmatiques without ſin: But it meerly implyes not to puniſh, which Kings may forbear upon juſt reaſon of State, as *David* forbare the puniſhing of *Joabs* Murther (I ſay, in Perſon he forbare, though he bequeathed it to his Son): And we our ſelves in our *Engliſh* State, have no puniſhment for all kind of lyars, and yet their ſin is againſt a flat Law divine; and we ſhould not be ſtill vexed with ſo much Poetical-News, had we Sanction made that might prohibit and puniſh them. And now Sir, I conceive, you think that what the *Londoner* hath ſaid, in this point, amounts to juſt nothing; yet, ſince you would needs enjoyn me, to acquaint you with the ſtate and grounds of the Tenent he is pleaſed to deride, I ſhall readily obey you; For truly Sir, I have ever held you a Gentleman of a pious Inclination, and am confident you will welcome Truth for his ſake who is Truth, though it ſhould croſs both your gain and peace. Indeed, this Tenent of Divine right of *Epiſcopacy* hath been long ſince, and of late much years oppoſed; as on the one ſide by the *Pope* and his party in the Council of *Trent*, and after that by ſome warmer *Jeſuites*; ſo on the other ſide by Schiſmatiques and Sectaries, that call themſelves of the Reformation.

tion. And I remember You and I were oft wont to ſay, that commonly the truth (our *Engliſh* Churches Tenents) lay in the midſt between thoſe, and did ſeem the more Chriſtian, becauſe they were Crucified oft between two ſuch kind of Thieves. We affirm then, *Epiſcopacy* to be of Divine Right, (*i. e.*) of Divine Inſtitution, and that muſt needs imply a Divine Precept too; for to what end are things inſtituted by God, but that it is preſumed it is our part to uſe them? To what end ſhould ſome men be appointed to teach and to govern, but that it is clearly implyed there are other men too, who ought both to hear and obey them? *He that erects a Bridge over a broad ſwelling Stream, needs not* (you will think) *add any expreſs command, that men ſhould not hazzard drowning by going into the water.* Thus when our Bleſſed Saviour made his Inſtitution of that great Sacrament the *Euchariſt*, he gave command indeed concerning the Bread, *Do this in remembrance*, &c. And concerning the Cup, *Drink ye all of this*; but he gave no expreſs command to do both theſe together, and yet his Inſtitution hath been ever held to have the Nature of a Command: and ſo for *One Thouſand* Years the whole Chriſtian Church did ever practiſe it, ſave only in ſome few caſes, in which men ſuppoſed a kind of neceſſity. I ſay then, *Epiſcopacy* is of Divine Right, Inſtituted by Chriſt in his Apoſtles; who, ſince they took upon them to Ordain and Govern Churches, you need not doubt they received from their Maſter an Authority to do both; for ſure men will not think they will break their own Rules: No man takes this upon him, but he that was called of God, as was *Aaron*.

Epiſcopacy then was Inſtituted in the Apoſtles, who were *Biſhops*, and *aliquid amplius*, and diſtinguiſhed by Chriſt himſelf from the *Seventy*, who were the *Presbyters*, ſo the moſt antient Fathers generally: Or, if you will take St. *Jerom's* opinion (who neither was a *Biſhop*, nor in his angry mood any good friend to that order) they were Inſtituted by the Apoſtles,

Apoſtles, who being *Epiſcopi & Amplius* did in the latter time formalize, and bound out that Power which we do ſtill call *Epiſcopacy*, and ſo theſe received opinions may well ſtand together; for *Epiſcopatus* being in *Apoſtulatu, tanquam Conſulatus in Dictatura*, as the latter and Subordinate Power is alwayes in the greater; we may truly ſay, it was inſtituted by Chriſt in his Apoſtles, who had *Epiſcopal* Power and more, and then formalized, and bounded by the Apoſtles themſelves, in the Perſons of *Timothy*, *Titus*, and others; ſo that call the *Epiſcopal* Order either of Divine Right or Apoſtolical Inſtitution, and I ſhall not at all quarrel with it, for Apoſtolical (I hope) will ſeem Divine enough to Chriſtians: I am ſure *Claudius Salmaſius* thinks ſo (a ſharp Enemy to the Epiſcopal Order) *If* (ſaith he) *it be from the Apoſtles, it is of Divine Right.* Thus we find the Power of Ordination and Juriſdiction, to be given to thoſe men alone, for then that Power is properly Epiſcopal, when one man alone may execute it. So St. *Paul* to *Timothy*, *Lay hands*, &c. in the ſingular Number, *Againſt an Elder receive not an accuſation under two or three witneſſes*, 1 *Tim.* 5. 19. And then the Text is plain, he and he alone might do it. So to *Titus*, *For this cauſe left I thee in* Crete, *that thou* (*and thou alone*) *ſhouldeſt ſet in order the things that are wanting, and Ordain Elders in every City.* Where plainly theſe two Powers are given to one Man of Government and Ordination, ſo St. *John* to the Seven Churches of *Aſia*, *Rev.* 14. where he preſumes all the Governing Power to reſide in the Angels of thoſe Churches, and in them alone, as all the Antients underſtand it. And hence it is plain that though we ſhould yield, that the Apoſtles only did inſtitute Biſhops; Yet in this Revelation Chriſt himſelf immediately in his own Perſon, and the Holy Spirit withall did both Approve and Confirm them: And the Biſhops of thoſe Sees are called Angels by St. *John* who was born a *Jew*, becauſe in *Paleſtine* their Chief Prieſts were there cal-

led their Angels, and so this Appellation was taken up by the Apostle in that place, because those were the Chief of those Churches. This truth appears not only from cleare Texts, but from the Universal Consent and Practise of more than *One thousand five hundred* Years space of all the Christian Churches; So that neither St. *Jerom* nor any other Ancient did either hold Orders lawfully given, which were not given by a Bishop, nor any Church-Jurisdiction to be lawfully Administred, which was not either done by their hands, or (at least) by their Deputation. I know there are men lately risen up especially in the last Century, who have collected and spread abroad far other Conclusions, and that from the Authority of Text it self: But as it is a Maxime in Humane Laws, *Consuetudo optima legum interpres*; So no rational man but will easily yield, it as well holds in Lawes Divine. For I would gladly ask, what better way there can be for interpreting Texts, than that very same means whereby I know Text to be Text, to wit, *The Consent of the Church.* Shall I believe, and yet disbelieve that self-same Consent, which is the best ground of my belief? This is as 'twere to say, that I believe such a tale for the Authors sake, who hath told it, and yet now I do hold the self-same man to be a Lyar. Men do believe the Testimony of Universal Consent, in the sense it gives of Singular terms, and why not in the sense it gives of Sentences and Propositions? Without the help of this Consent (which indeed is the ground of our Dictionaries) how shall we know that ἀνάστασις signifies the Resurrection of the Body, which the *Socinians* at this day deny? And I know no such way to confute their Errour as by the Authority of this Consent. Admit then of that Rule that Consent Universal is the best interpreter of the Text, and then I am sure, that it is as clear as true, that Episcopacy is of Divine or Apostolical Right. And that Proposition, There can be no Ordination without the hands of a Bishop,

Biſhop, will clearly appear to be as well grounded as this. There can be no Baptiſm without a Lawful Miniſter, which yet is good Divinity amongſt our new Maſters in *Scotland*, and antiquity allowed it, *Extra caſum neceſſitatis*; For I ask upon what Text do they ground this Rule? I ſuppoſe they will ſay upon our Saviours Words, *Go teach all Nations and Baptize them*; but in the Inſtitution of the *Euchariſt*, he ſpake thoſe words too, but only to the Twelve, *Drink*, &c. *Mat.* 26. I demand then, how ſhall we know that when our Saviour ſpake thoſe words to the *Eleven*, he ſpake them only as to Lawful Miniſters, but when he ſpake the other to the *Twelve*, he ſpake them at large as to them that did repreſent all Chriſtian men? So that though only Miniſters may Baptize, yet all Chriſtians may receive the Cup? Perhaps they'l ſay, that this general receiving the Cup is manifeſt from the 1 *Cor.* 11. (and I think ſo too) where *St. Paul* ſeems to chide the whole Church for their irreverence at the Sacrament: But if a quarreller ſhould reply, that he there ſpeaks but of the *Presbitery* only, whereof many were at that time at *Corinth*, as when in *Chap.* 5. he ſeems to chide the whole Church for not Excommunicating the Inceſtuous Perſon; yet tis plain, that he means none but the men in Government (as ſure all *Presbyterians* will allow me.) I know not what could be ſaid, but to make it appear out of the Fathers and others, that the whole Chriſtian Church never took the words in that ſence. And if to ſtop the mouth of the contentious, we muſt be conſtrained to quote the Authority of Univerſal Conſent, and of the common practiſe of Chriſts Church, then you'l eaſily ſee, that thoſe two Propoſitions named, do ſtand faſt on the ſame bottom. There can be no Baptiſm without a lawful Miniſter *extra caſum neceſſitatis*, for ſo the Practiſe and Conſent of Univerſal Church have ſtill interpreted that Text. And again, 'tis true there can be no Ordination without the hands of a Biſhop, for ſo thoſe Texts out of *Timothy* and *Titus* have been underſtood and practiſed for

One thousand five hundred Years together, by the Consent of the whole Church of Christ.

'Tis true that this precept of Christ, *Go ye, teach all Nations, and baptize them*, runs not in exclusive words, ye Apostles, or ye lawful Ministers, and none else; yet *extra casum necessitatis*, none was allowed but a lawful Minister: so that though those commands, *Lay hands suddainly on no Man, and do thou Ordain Elders in every City*, run not in *Verbis exclusivis*, thou and none but thou, or men of thine Order only, yet the Church understanding, and Preaching them in an exclusive sense, no man for *One thousand five hundred* Years in any setled Church, was held rightly Ordained without the hands of a Bishop.

Nay, that there is something Divine in the Episcopal Order, will appear clearly by this; That immediately from the times of Christ and his Apostles, yea within the reach of those times, it was Universally spread throughout the whole Church; so that no man can name a Nation, that was once converted to the Christian Faith, but he shall soon find there were Bishops. So that there must needs have been an Universal Cause for an Effect that was so Universal. General Council there was none about it, at which all Christians might have met, and might thence have obeyed their directions: Nor can any name a Power to which all Christians would submit (for they were soon fallen into factions) but either the Authority of Christ or his Apostles; from them then must needs flow the Episcopal Order, and at that Fountain I shall leave it: I say within the reach of the Apostles times, for before St. *John* dyed, there are upon good Church Records above *Twenty-eight* Bishops appointed to their several Sees, as at *Jerusalem*, *Alexandria*, *Antioch*, *Rome*, *Ephesus*, *Crete*, *Athens*, *Colosse*, and divers others, a *Catalogue* whereof I shall be ready to attend you with, when you shall be pleased to command it.

And hence it will be plain, how great a Corruption, nay how flat a Sin is brought into Christs Church, when Episcopacy is thrown down, and so where Ordination is performed by

by any hands without theirs, 'tis as groſs as if the *Laymen* ſhould be allowed to baptize where a *Presbyter* ſtands by. Nay more, 'tis as bad, as if the Order of Presbytery ſhould be thrown down, that *Laymen* might Baptize. What is this but wilfully to run into neceſſity, which may thence create an Apology? 'Tis a Corruption far worſe, than if a Church ſhould audaciouſly attempt to put down the Lords day, ſince the Obſervation of that time is neither built on ſo clear a Text, nor on the help of ſo Univerſal conſent as is the Order of Epiſcopacy. So that if men can think it ſinful to part with the Lords day, though the Inſtitution of it be merely Apoſtolical; they muſt needs confeſs, that there is at leaſt as much ſin (nay indeed more) in parting with their Biſhops: And then the *Oxford* Doctrine he abuſes, and talks of as Tranſmitted for Orthodox Truth, will (it ſeems) prove no leſs in earneſt.

Secondly, For the point of *Sacrilege*; and the better to clear this, I muſt premiſe theſe directions.

1. That God accepts of things given Him, and ſo holds a Propriety as well in the New as Old Teſtament.

2. That God gets that Propriety in thoſe things He holds, as well by an Acceptation of what is voluntarily given, as by a Command that ſuch things ſhould be preſented unto Him.

3. To invade thoſe things, be they moveable or unmovable, is expreſly the Sin of Sacriledge.

4. That this Sin is not only againſt Gods poſitive, but plainly againſt the Moral-Law.

For the *Firſt*, I quote this Text, *I hungred, and ye gave me Meat, I thirſted*, &c. *Mat.* 25. If Chriſt do not Accept of theſe things, He might ſay indeed, That you offered Me Meat; but He cannot ſay, that you gave it, for a Preſent, is then only to be called a Gift, when it is Accepted as his own that takes it. And doth He thus accept of Meat and Cloathing, and doth he not accept of thoſe kind of Endowments, that bring both thoſe to Perpetuity? Will He take Meat, and refuſe Revenues? Doth He like

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(can you imagine) to be Fed and Cloathed to day, and in danger to be Starved to morrow? The Men thus provided for, He calls no leſs than His Brethren, *In as much as you have done it*, &c. Whether thoſe were of thoſe Brethren which He enjoyned to Teach others, or of thoſe He would have inſtructed, the Text then doth not decide: Without doubt it muſt be meant of both, for 'twere a ſtrange thing to Affirm, That Chriſt likes it extream well, to be Fed and Cloathed in all thoſe He calleth His, but only in the *Twelve* and *Seventy*. But to put it out of doubt, That what is done to theſe, is done to Him too, His own words are very clear, *He that receiveth you, receiveth Me* (you Teaching Diſciples) in the work of the Goſpel, when He ſends them forth to Preach; and that Reception implys all ſuch kind of Proviſion, as is apparent throughout the whole Tenour of that *Chapter*. And again, I quote that ſo well known paſſage of *Ananias*, and *Saphira* his Wife, *Acts* 5. His Sin was, he kept part of the Price of thoſe Lands he had given to God, for the publick uſe of Chriſt's Church; they were given to God, and 'tis as plain God did accept them. For St. *Peter* (you know) thus reproves him, *why haſt thou Lyed, or why haſt thou deceived the Holy Ghoſt?* For ſo Φευσασθαι doth properly import; *Why doſt thou ſo cheat him of what is now his proper Right?* And again, *Thou haſt not Lyed unto Men, but unto God*, ver. 4. And is this ſo ſtrange a thing? Are our Lyes to be accounted Sins before God? Yes, All againſt God, as a Witneſs and a Judge, but not all as a Party: And ſo this is a more remarkable, a more ſignal Lye. Thou haſt not Lyed to Man, a Negative of Compariſon, not ſo much to Man, as to God; what's done to them is ſcarce worth the naming: But thou haſt Lyed to God as a Witneſs, and a Judge, and a Party too: Thou haſt Lyed, and robbed God by Lying, and ſo run thy ſelf into a moſt horrible Sin, and it ſhall appear in God's judgment: So the Fathers generally expound the place, both of the *Greek* and *Latine* Church; and affirm, his Crime

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was a robbing of God of that Wealth, which by Vow or Promiſe was now become God's Propriety; ſo the modern Interpreters; ſo *Calvin*, *Sacrum eſſe Deo profitebatur*; and *Beza*, *Prædium Deo conſecraſſent*; and he that will not believe ſo univerſal Conſent in the Interpreting of a place of Scripture, ſhould do well to conſider, whether on the ſame Ground (as I told you before) he may not be brought to doubt of his Dictionary (for that's but univerſal Conſent) he may as well almoſt doubt, whether θεὸς ſignify God, and altogether as well, whether εὐαγγέλιον ſignify the Goſpel.

The *New-Teſtament* will afford more places for that purpoſe, *Rom.* 2. 22. *Thou that abhorreſt Idols, committeſt thou Sacriledge?* 'Tis true, theſe words are ſpoken, as to the Perſon of an unconverted *Jew*; and may be therefore thought to Aim only at thoſe Sins which were againſt the Law of *Moſes*: But do but view St. *Paul*'s way of Arguing, and you ſhall find quickly they come home to us too. He there tells the *Jew*, that he Taught others thoſe things which yet he would not do himſelf; and he ſtrives to make this good, by three ſeveral Inſtances: *Firſt*, *Thou that Preacheſt a Man ſhould not ſteal, doſt thou ſteal?* Secondly, *Not commit Adultery, doſt thou commit Adultery?* In both which, 'tis plain, that the *Jew* he dealt with, did the ſame thing he reprehended; and ſtraitway the *Third* comes, *Thou that abhorreſt Idols, doſt thou commit Sacriledge?* So that hence will follow (if St. *Paul*'s words have any *Logick* in them) that theſe two Sins are of the ſelf-ſame nature too; and that to commit Sacriledge, is a breach of the ſame Law as to commit Idolatry: So that this Crime will appear without all doubt, a plain Robbing of God. For he that Steals from Men, yea, though a whole Community of Men; yet he Sins but againſt his Neighbour, 'tis but an offence againſt the ſecond Table of the Law: But Sacriledge layes hold on thoſe things which the *Latine* Laws call *Bona nullius*, it ſtrikes down right immediately at God; and in that regard no Idolatry can can do it; 'tis a breach of the firſt

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Table of the Law; and both these Crimes are equally built on the self-same contempt of God. The Offender in both kinds, the Idolater, and the Sacrilegious Person both think meanly of Him. The first conceives He will Patiently look on, while His Honour is shared to an Idol; the other imagines He will be as unconcerned, though His Goods be stolen to His Face. This was, without doubt, the Sence of all the ancient Church; for upon what Grounds could they profess they gave Gifts to God, but only that they presumed, That God was pleased to Accept them. So saith *Irenæus, We offer unto God our Goods, in token of Thankfulness.* So *Origen, By Gifts to God, we acknowledge him Lord of All.* So the *Fathers* generally: So *Emperors* and *Kings:* So CHARLES the Great, *To God we offer, which we deliver to his Church, in his well known Capitulary;* and our own *Kings* have still spoken in this good Old Christian Language; *We have Granted to God, for us, and our Heirs for ever, that the* Church of England *shall be free, and have Her whole Rights and Liberties inviolable:* They are the first words of our *Magna Charta*; **Her whole Rights and Liberties**; words of a very large Extent, that imply far more than Her Substance, and yet these, and all these Lands, Honours, and Jurisdictons, all these have been given to God; yea, and frequently confirmed by the publick Acts of this Kingdom. And if *Ananias* might thus promise, & yet Rob God; I beseech you Sir consider, whether *England* may not do so too.

For the *Second*, 'tis plain in the Text, That God did as much take the Temple to be His, as He did the *Jews* Tythes and Offerings; these last indeed were His by special and express Law and Command, 2 *Sam.* 7. but the Temple was the voluntary design of King *David*, and the voluntary work of King *Solomon*. Nay, God expressly tells *David*, That He had been so far from Commanding that House, that He had not so much as asked this Service. And therefore St. *Paul*, in his Apology, tells the *Jews*, *Neither against the Laws of the* Jews, *nor against the Temple, have I offended any thing*, Act. 25. 8.

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For he might in ſome cauſe offend againſt the Temple, and yet not againſt the Law: Notwithſtanding God pleads as much for his Temple in the Prophet *Haggai*, as he doth in *Malachi*, for his Tythes and Offerings. In this, his words are — *Ye have robbed me in Tythes and Offerings.* In the other — *Is it time for you, O ye, to dwell in cieled houſes, and this houſe lie waſte? Therefore ye have ſown much, and bring in little; ye eat, but ye have not enough.* And to affirm in the New Teſtament, that God doth accept of meat, drink, and cloathing as is plain; of money, for which the Land was ſold, as in the caſe of *Ananias*: And yet he doth not accept of Land it ſelf, is ſo contrary to all reaſon, ſo contrary to the practice not only of the Chriſtian, but of the Heathen world; ſo contrary to what God himſelf hath expreſſed in the Old Teſtament, and nó where recalled in the New; that he which can quiet Conſcience with ſuch Conceits as theſe, may (I doubt not) attain to the diſcovery of ſome Evaſions, which, in his Conceit, may palliate Murther or Adultery; or to think thoſe Poſſeſſions are indeed Gods which he commands, but not thoſe which he accepts, is to uſe God ſo, as we would neither uſe our ſelves, nor our Neighbours: For no Man doubts, but that's as properly mine which I accept, as what I attain to by my own perſonal Acquiſition, be it by a juſt way, by Study, by Merchandize, *&c.* M. l 3. 8. Hagg. 1 4. & 6. Mat. 25.

For the Third: Sacriledge is then committed, (ſay the *Schools* and *Caſuiſts*, and they ſpeak in their own Profeſſion) *Quando reverentia rei Sacræ debita violatur*; when we violate the Reverence due to a thing Sacred, by turning it into a thing Profane, ſo that this Violation may be committed either *per furtum*, ſtrictly ſo taken, by ſtealing a thing moveable; or, *per plagium*, by ſtealing of a Man; or, *per invaſionem*, by ſpoiling Men of Lands or things immoveable: For as any one of theſe done againſt our Neighbour, is, no doubt, in Scripture phraſe Theft, a Sin againſt the Eighth Precept; ſo done againſt God, 'tis no doubt a Sacriledge, and a breach of the Table, be it againſt the Firſt or Second Commandment, I ſtand not now to diſpute. Thus the word in the New Teſtament Aquin. 22. Acts 1.

to expreſs this Sin, is ἱεροσυλεω, from σῦλη, *præda*, or *ſpolium* ſo that Sacriledge is not only to be defined by Stealth ſtrictly taken, but 'tis a depredation, a ſpoliation of Things conſecrated; and ſo the word extends it ſelf as properly (if not more) to Lands, as to Things moveable. And hence *Aquinas* is plain, That Sacriledge reaches out its proper ſenſe —— *Ad ea quæ deputata ſunt ad ſuſtentationem miniſtrorum, ſive mobilia, ſive immobilia:* For 'twould be very ſtrange to affirm, That in the ſacking of *Jeruſalem*, *Nebuchadnezzar* was ſacrilegious, when he tranſported the holy Veſſels; but not at all, when he burnt the Temple.

For the Fourth: Common Reaſon hath taught all, even the *Pagan* Nations, to hold Sacriledge a Sin; ſo that *Lactantius* obſerves, (and he was well read in humane Learning) and therefore choſen Tutor to a Son of *Conſtantine* the Great: *In omni Religione nihil tale ſine vindicta*; God will remarkably revenge this Sin, not only in the true, but amongſt Men of the moſt falſe Religions. And 'twere eaſie to ſhew, That no Nation did ever yet adore a God, but they thought he did accept them, and poſſeſs himſelf of ſome ſubſtance; I omit thoſe Proofs that would be thought too tedious, 'tis enough to quote the Prophet's words which he ſpeaks to the *Jews*. *Will a man rob God? Yet ye have robbed me*, Malachi 3. 8. A Man, any man, though an *Amorite*, or a meer *Philiſtine*, a *Pagan*, (that muſt be the ſenſe) will not do that to his god, which you *Jews* do to Me: For the Law written in his heart, (and he can go by no other) that Law controlleth this Offence, and ſo plainly tells him, that becauſe his God may be robbed, or deſpoiled, he may therefore have a Property. And if Sacriledge be a Sin againſt the Law Moral, 'twill follow, That what we read in the Old Teſtament againſt that Sin, muſt be as Moral (and that whereby we Chriſtians are as much obliged) as what we read againſt Theft or Adultery: ſave only theſe paſſages which are peculiarly proper unto the policy of the *Jews*, and we may let them go for Judicial.

Theſe Directions premiſed, I return to this *Epiſtler*, who conceives it no Sacriledge to take away Church-Lands.

—— *Nor*

—— *Nor do I* (ſaith he) *ground my Opinion barely upon the frequent practice of former Times not only upon Acts of Parliament,* (*in the Times of Queen* Elizabeth, *King* James, *and King* Charles, *if you have not forgotten the exchange of* Durham-*houſe, as well as* Hen. 8.) *but even by the Biſhops themſelves,* &c.

He will not *ground his Opinion upon bare practice,* and indeed he hath little reaſon for it; for if from a frequent practice of ſin, we might conclude it were no ſin, we might take our leaves of the Decalogue, and (as our New Maſters do) put it out of our Directory, becauſe our intent is to ſin it down. And therefore I ſhall ſay no more of ſuch Laws of *Hen.* 8. than I would of *David*'s Adultery, that it is no ground at all to make Men bold with other Mens Wives. Queen *Elizabeth* made a Law, (ſo you have told me, Sir, for I ſpeak nothing in this kind but from you) That Biſhops might not alienate their Caſtles, Mannors, *&c.* but only to the Crown: But if ſhe ſometimes took order that Churchmen ſhould not be Biſhops, till they had firſt made ſuch Alienations, (as I have oft heard you ſay ſhe did) I know not how to defend it, but muſt withall tell you, That if Prince or Subjects reſolve to ſell the Church Preferments, it is great odds but in a Clergy conſiſting of Ten thouſand Perſons, they ſhall have Chapmen for them. For King *James*, I muſt highly commend that moſt Chriſtian Prince, you ſay amongſt his firſt Laws took away that of Queen *Elizabeth.* Nor can I well tell when this *Epiſtler* doth quote King *Charles* for this purpoſe, unleſs it were only for the Alienation of *York*-houſe; but I muſt inform him that that Act was lawful, becauſe it was for the advantage of that Archiepiſcopal See, there being clear Text for it, that the *Levites* themſelves might change that which was theirs by Divine Law, ſo they gained by Permutation; and this Anſwer will ſerve for what King *Charles* did about *Durham*-houſe.

But he thinks it an Argument—— *That by the Biſhops themſelves, Deans and Chapters, ſuch things were done, Alienations were made, long Leaſes were granted.*

True, Sir, for theſe Clergymen were but Men, and their ſins

can no more abrogate Law, than can the Sins of the Layety; yet I could name you Churchmen of great Note, who totally refuſed to be preferred by that Queen to any Biſhoprick at all, becauſe they would by no means ſubmit their Conſcience to the baſe Act of ſuch Alienations, and one of them was Biſhop *Andrews*. I could tell you too, that thoſe long Leaſes he ſpeaks of, had one cauſe more than the Marriage of the Clergy; for when they ſaw a Stool of Wickedneſs ſet up, of ſacrilegious Wickedneſs, that imagined Miſchief by a Law; ſome, not the moſt Men, thought it fit to make thoſe long Leaſes, that the Eſtate of the Church might appear more poor, and ſo the leſs ſubject unto Harpies, and then their hope was, that at the length (at leaſt after many Years ſpent) it might return whole unto the Succeſſors.

He goes on —— *But to deal clearly with you, Sir, I do not underſtand how there can be any Sacriledge, (properly ſo called) which is not a Theft, and more, viz. a Theft of ſomething dedicated to Holy Uſe, (a Communion Cup, for inſtance, or the like) and Theft, you know, muſt be of things moveable, even by the Civil Law; and how Theft can be of Lands or Sacriledge by alienating Church-Lands, I pray ask your Friend* Holborne, *and his Fellow-Lawyers, for ours here deride us for the Queſtion?* ——

It ſeems they are very merry at *London*, or at leaſt this *Epiſtler* thinks ſo; for being Winners, he might perhaps conceive they make themſelves pleaſant with a Feather; and that this Argument is as light a thing, appear'd before by my 3d Anſwer. For can any man think (in earneſt) that 'tis Sacriledge (and ſo a Sin) to take away a Cup from a Church, but 'tis none to take away a Mannor? As if *Ahab* had been indeed a Thief, had he robbed *Naboth* of his Grapes? But *Elijah* was too harſh when he talked to that good King, becauſe he only took away his Vineyards. Indeed there is ſuch a Nicety in the Civil Law, that *Actio Facti* lies only againſt him that hath ſtolen *Rem Mobilem*; for *Juſtinian* (it ſeems) in the Compoſition of his Digeſts, (which he took from the writing of the old *Juris Prudentis*) thought it fit to follow *Ulpian*'s judgment; and yet *Sabinus* in his Book *de Furtis*, (a Man of Note

Note amongſt thoſe Men) was known to be of another Opinion——*Non tantùm rerum moventium. Sed fundi & ædium fieri Furtum.* I would gladly know of this *Epiſtler*, whether he thinks all Men, both Divines and others, bound to frame all the Phraſes of their Speech, according to the Criticiſms of the Civil Law, as it is now put out by *Juſtinian?* If not, why may not ſome uſe the word *Furtum* in *Sabinus*'s ſenſe, as well as others may in *Ulpian*'s, and then Sacriledge may be properly a Theft, and as properly in immoveables; or if we muſt needs ſpeak in your ſenſe whom *Juſtinian* hath approved, I do not well ſee how a Man can ſpoil the Church of her Lands, and at the Civil Law 'ſcape an Action of Theft; for it lies againſt him that takes the Trees, Fruits, and Stones. And I am confident there's no Church-Robber, but he intends to make uſe of thoſe kind of Moveables; otherwiſe, what good will his Church-Land do him? And if he make this uſe, a Thief he is in the Civil Law Phraſe; and then in the ſenſe of this *Epiſtler* himſelf, he is without doubt a ſacrilegious Perſon. Gell. l. 11. l. ult. F. l. v. 1.

But where (I wonder) did the *Londoner* learn that *Furtum ſtrictè Sumptum*, was that *genus* of Sacriledge? So that where there is no Theft in the Civil Law ſenſe, there is none of this kind of Sin. I am ſure 'tis neither intimated by the *Greek*, nor *Latine* word, nor (I believe) delivered by any learned Author on this Subject: So that I muſt ſet down an Aſſertion, and (I conceive well grounded too) point blank againſt this *Londoner*, and affirm there may be a Sacriledge properly ſo called, which is not a Theft in the Civil Law ſenſe; which has been proved in the 3d Aſſertion, and need not trouble Sir *R. Holborne*, (that learned Gentleman may have other buſineſs) nor his Fellow-Lawyers: For I doubt not there are enough beſides who will here ſmile at this paſſage, and will think that this *Epiſtler* hath met with a Civil Law Quirk, which he knew not well how to wield: But, to ſay truth, he deals clearly with the Doctor, and tells him, that for his particular, he doth not yet underſtand, which for my part I do believe, and do only wonder, that he would laugh

laugh at another, in a Point he could no better ſatisfie him in.

He goes on —*The hyre of a Labourer at moſt as fitting maintenance, is all that can be challenged.*

But the Maintenance muſt be honourable, or elſe we Chriſtians, uſe God like no other Men, far worſe, I am ſure, than do *Pagans*. And when ſuch a Maintenance hath been once given in Lands, the Acceptation of it will ſoon make the Gift immoveable; ſo that it ſignifies little, to ſay the Apoſtle had no Lands, for they who had the Money for Lands ſold, might (no Man will doubt) have ſtill kept the Lands, had they liked them: But the Church being in Her Perſecution, the Diſciples were to flie, and Lands, we know, are no moveables. And 'twere very ſtrange, if not ridiculous, to affirm, that *Ananias* and his Wife ſinned, in taking back what they had promiſed; but if in *Specie* they had given thoſe Lands, they might have revoked that Gift without Sacriledge.

He proceeds —*Which I mention, to avoid the groundleſs Arguments upon the Lands and Portions allotted to the Tribe of* Levi *by God's appointment, to whom our Miniſters have no Succeſſion.*

Our Miniſters challenge nothing which belonged to the Tribe by Levitical Right, but where things are once given to God for the uſe of his Miniſters, they there get a moral intereſt; and what we read of this kind in the Old Teſtament, doth as much oblige Chriſtians, as if it were in the New.

And then 'twill follow, that they enjoy your Lands by the ſame Law of the State as others do, and muſt be ſubject to that Law which alone gives ſtrength to their Title. *Out to to Cælo!* Have Churchmen no Title to thoſe Poſſeſſions they enjoy, but by the Law of this Land alone? Yes, beſides theſe, they have Chriſt's Acceptation, and ſo they are become theirs by Law Evangelical; their Lands are God's own Propriety, and ſo they hold them from him by the Law moral too. And therefore though by the new Conſtitution of the Laws of the Land, they hold Eſtates in Fee ſimply, and ſo may alienate, with-

without puniſhment from the Law of *England*; yet they cannot do it without guilt of Sin, as being a breach of the Law Evangelical and Moral, except then only when they better themſelves by ſome gainful, at leaſt not hurtful Permutation. Beſides, were this Argument good, it would only follow, that the Clergy by their own, yet might alienate their Lands, but none elſe without their conſent. And I conceive it would not now prove ſo eaſie a task to bring Churchmen to ſuch an Alienation: But the Parliament may do it.

—— *For* (ſaith he) *I am ſure it will be granted, that* (*by the Laws of this Nation*) *whoſoever hath Lands or Goods, hath them with this unſeparable condition of limitation,* (viz.) *that the Parliament may diſpoſe of them, or any part of them, at their pleaſure.*

This you have told me, Sir, is ſtrange Doctrine: For neither the Parliament (I hope he means the King in Parliament) doth this, as being the Supreme Power, or as being Repreſentative, and ſo including the conſent of the whole People of *England*. If as being the Supreme Power, it will follow that any abſolute Prince may as lawfully do the like; and yet this hath ever been held Tyrannical in the *Great Turk*, as being againſt the Rules of all Juſtice and Humanity. Indeed *Samuel* tells the *Iſraelites*, That ſince they would needs change their Theocracy, the immediate Government of God himſelf, though it were into a Monarchy, the beſt of all humane Governments. Their Kings ſhould take your Sons, and your Daughters, their Fields and their Vineyards, *&c.* and they ſhall cry, and find no help. Yet the beſt Divines think this would be moſt ſinful and moſt unjuſt in thoſe Kings, and expreſly againſt the Law of *Moſes*, who grants to every Man his Propriety: only the Prophet avers it ſhould not be puniſhable in him, they ſhould have no remedy, ſince being the Supreme Power, it was in no Subjects hands to judge him. So if the Kings in Parliament ſhould take away the Church-Lands, there is (I confeſs) no reſiſtance to be made, though the Act were inhumanely ſinful: or elſe the Parliament doth this, as repreſenting the whole People, ſo including their conſent:

(For

(For they who do conſent, can receive no injury.) And then I underſtand not which way it can now at all touch the Clergy, who are neither to be there by themſelves, nor yet (God knows) by Repreſentation. Or if again they were there, I would gladly know what Burgeſs, or what Knight of a Shire, nay, what Clerk or Biſhop do repreſent Chriſt, (whoſe Lands theſe are) and by vertue of what Deputation? Or do I believe that any Subject intends to give that Power to him that repreſents him in Parliament, as to deſtroy his whole Eſtate, except then only when the known Laws of the Land make him liable to ſo high a Cenſure?

But grant this Doctrine were true in Mens Lands, yet ſure it will not hold in Gods: For ſince *in Magnâ Chartâ* (that has received by Parliament at leaſt Thirty Confirmations) the Lands we now ſpeak of are given to God, and promiſe there made, that the Church, Her whole Right and Liberties ſhould be held inviolable. Surely the Kingdom muſt keep what ſhe hath thus promiſed to God, and muſt not now think to tell Him of implied Conditions or Limitations. For 'twere a ſtrange ſcorn put upon Him, that Men ſhould make this grand promiſe to their Maker, and then tell Him, after ſo many hundred years, that their meaning was, to take it back at their pleaſure. I believe there's no good *Pagan* that will not bluſh at this dealing, and conclude, That if Chriſtians may thus uſe their God, without doubt he is no God at all.

Hence it is (ſaith he) *they ſometimes diſpoſe ſome part in Subſidies, and other Taxes, the Parliament diſpoſes part of Mens Eſtate in Subſidy, and without their conſent,* Ergo *it may diſpoſe of all the Church-Lands, though the Churchmen themſelves ſhould in down-right terms contradict it.*

Surely, Sir, this Account is neither worth an Anſwer, nor a Smile: For I am ſure you have oft told me, That the Parliament in Juſtice can deſtroy no Man's Eſtate, though private; or if upon neceſſity it may need this or that Man's Lands for ſome Publick Uſe, yet the Court is bound in Juſtice to make that Man amends. Subſidies, you ſay, were impoſed *Salvo contenento*; ſo that a Duke may ſtill live like a Duke, and a Gentle-

Gentleman like a Gentleman. Is't not ſo with the Clergy too? By your own conſent indeed, and not otherwiſe, they are often impoſed, and payed by them; but if they are burdens, which they may bear *Salvo contenento*, they are payed not out of God's Propriety, by alienating his Lands, but out of the *Uſus Fructus* they receiv'd from God, and ſo the Name doth go on to their Succeſſors. So that to infer from any of theſe Uſages, that the Lands of Biſhops, Deans and Chapters, may be wholly alienated from the Church, is an Inference that will prevail with none but thoſe, who being led by ſtrong paſſions that it ſhould be ſo, make very little uſe of the Reaſon.

He proceeds—*Now hence comes the miſtake, by reaſon there is not ſuch an expreſs Condition or Limitation in the Deed of Donation, (which ſhould ſilence all diſpute) wherein it is as clear as truth, that where any thing is neceſſarily by Law implied, 'tis as much as if in plain terms expreſſed*, &c.

No marvel if ſuch Conditions be not expreſſed in Benefactors Deeds of Donation, becauſe it will make ſuch pious Deeds moſt impiouſly ridiculous: For who would not bluſh to tell God, that indeed he gives him ſuch Lands, but yet with very clear intent to revoke them? And what Chriſtian will ſay, that ſuch an intent is tacitely there, which were Impiety to expreſs? Nay, it is apparently clear, by the Curſes added by ſuch Donors upon thoſe who ſhall attempt to make void their Gifts, that their meaning was plain, that ſuch Lands ſhould remain Gods. For ever by *Magna Charta* theſe Gifts are confirmed unto the Church of *England*, (She ſhall have all Her whole Rights and Liberties inviolable) and yet is there a tacite condition in that ſelf-ſame Law that they may be violated? No marvel if with us, Men cannot truſt Men, if God himſelf muſt not truſt our Laws; and if that Charter, or any elſe made by ſucceeding Princes, do indeed confirm ſuch Donations, (as without all doubt they do) ſure they muſt confirm them in the ſame Senſe wherein the Donors made them, for ſo do all other Confirmations. I ſay in this caſe of a total Diſinheriſon, there cannot be in Law any ſuch tacite Conditions, or Limitations, as the *Epiſtler* ſpeaks of; for I have ſhewed

you ſuch to be tyrannical and unjuſt in a private Subject's Eſtate, therefore in Gods they are much more unjuſt, becauſe we are ſure he cannot offend, and the tyrannical and unjuſt meaning cannot be called the meaning of the Law.

The Letter goes on——*Beſides, it were ſomewhat ſtrange, that the Donors of the Land ſhould preſerve them in the hands of the Biſhops from the power of the Parliament, which they could not do in their own, and give them to a greater and ſurer Right than they had themſelves.*

The Lay-Donor might preſerve them thus in his own hands, ſuppoſe him but an honeſt Perſon; for though a Parliament may *impunè* diſinherit ſuch an innocent Man, yet they cannot do it juſtly, and ſo in this regard, both the Donor and they are (you ſee) in the very ſame condition. Beſides, 'tis no ſuch very ſtrange thing for the ſelf-ſame Right (as a Right ſuppoſe a Fee-ſimple) to become more ſure in his hand that takes it, than it ever was in his hand that gave it. For though the Right it ſelf be ſtill the ſame Right, (for *Nemo dat quod non habet*) yet by Gift it may come into a ſtronger hand, and ſo by this means that ſelf-ſame Right may become the ſtronger. And ſure with us, God's hands ſhould be more ſtronger than Man's: Nay hence, as ſome think, Lands given to the Church, were ſaid to come in *manum mortuam*, as 'twere a dead hand, that parts with nothing it hath once cloſed upon.

And why the *Epiſtler* ſhould call this a ſtrange thing, I do not yet ſee the reaſon, becauſe 'tis always ſo when any one Benefactor doth by vertue of a Mortmayne, convey his Lands to any kind of Corporation.

Again——*Nor do I underſtand their meaning, who term God the Proprietary of the Biſhops Lands, and the Biſhops the* Uſu Fructuarii.

I conceive I have made this plain, becauſe ſuch Lands were firſt offered to God, and become his own Propriety, by his own Divine Acceptation. And if the *Dominium ad rectum* of Kings do once reſt in God, the *Dominum utile*, the *Uſu fructus* only is left a Patrimony to the Clergy.

But

But he adds a Reaſon —— *For I know not how (in propriety of ſpeech) God is more entitled to their Lands, than to his whole Creation.*

Here the *Epiſtler* ſpeaks out; for truly, Sir, I fear this Lawyer, your Friend, is little better than an Independant: For has God no more Title (in propriety of ſpeech) to one piece of ground than another? No more to a Church, no more to a place where a Church is built, than where Men have placed a Stable? Our Engliſh Homilies, which are confirmed by Law, cry down this groſs piece of *Anabaptiſm*. 'Tis true, God made all things, and ſo the whole World is moſt juſtly his, by that great work of Creation: But yet the *Pſalmiſt*'s words are as true, *The earth hath he given to the children of men*. So as that great God is well content to receive back what Men will give him, and this acceptance of his muſt needs in all reaſon make thoſe things his more particularly. Thus Chriſt calls the Temple, *My Father's Houſe*: 'Twas Gods, and Gods more peculiarly; not only by the right of Creation, but of Donation. Thus Lands given to God are his, and his more peculiarly; ſo that his Prieſts and his Poor being ſuſtained by them, he calls it in a more peculiar manner, *his meat, and his drink, and his cloathing*. And then, if in point of acceptance with God, there be a great difference betwixt feeding his Prieſts, and feeding them that do him no ſervice, there muſt needs be as much difference betwixt Lands ſet out to that Sacred Uſe, and Lands of a meer common employment.

He gives a ſecond Reaſon —— *Were Clergymen the* Uſu Fructuarii, *how come they to change, diſpoſe, and alter the propriety of any thing, which an* Uſu Fructuarii *cannot do, and yet is done by them daily?*

Yes, they may change or diſpoſe, or alter many kinds of things, (for ſo, without doubt, may an *Uſu Fructuarii* do) ſo that he wrong not his Lord, by an Abuſe done to his Propriety. Thus he may change his Corn into Cloathing, or his Wooll into Books. Nay, he may alter the very Propriety of his Poſſeſſions too, if he have expreſs leave of his Lord. And

Lev. 27. 13. God himſelf did tell *Levi*, that he was well content that men ſhould alter ſome things that belonged unto him, ſo that it were to that Tribes advantage.

The Letter goes on — *Ask then by what Divine Law St.* Mary's *Church in* Oxon *may not be equally employed for Temporal Uſes, as for holding the Vicechancellor's Court, the Univerſity, Convocation, or the yearly Acts?*

He might as well have asked, Why not for Temporal Uſes as for Temporal Uſes; for if theſe he means be not ſo, his Argument is naught; and if they be ſo, it is not well put down. His meaning ſurely was, for other Temporal Uſes, as well as for theſe. And truly, Sir, to put a Church to any ſuch kind of uſe, is not to be defended; and therefore I excuſe not the Univerſity, eſpecially She having had at leaſt for a good time ſo many large places for theſe meetings: Yet ſomething may be ſaid for the Vicechancellor's Court, becauſe 'tis partly Epiſcopal; ſomething for the Act, at leaſt *in Comitiis*, becauſe 'tis partly Divinity; but I had rather it ſhould receive an amendment, than an excuſe, though it follow not neither, that becauſe this Church is ſometimes for ſome few hours abuſed, therefore it may be always ſo; as if becauſe ſometimes it is made a prophane Church, therefore fit 'twere no Church at all.

He proceeds — *And for the Curſes, (thoſe bugbear words) I could never yet learn, that an unlawful Curſe was any prejudice but to the Author, of which ſort theſe Curſes muſt be, which reſtrain the Parliament, or any other, from exerciſing a lawful and undeniable Power, which in inſtances would ſeem very ridiculous, if any Curſe ſhould prejudice another lawful Right; I am ſure ſuch Curſes have no warrant from the Law of God, or this Nation.*

No warrant from the Law of God? I conceive there is a very clear one, and Our Mother the Church commends it to the uſe of Her Sons, in the expreſs words of the Commination, *Curſed be he that removes the marks of his Neighbours Lands, and all the People ſhall ſay, Amen.* If he be accurſed that wrongs his Neighbour in his Lands, what ſhall he be,

Deut. 27. 17.

that

that injures his God? If a Curſe light on him, and a publick Curſe, (confirmed by *Amen*, made by all the People) who removes but the mark whereby his Neighbours Lands are diſtinguiſhed, ſure a private Curſe may be annexed by a Benefactor unto his Deed of Donation, in caſe Men ſhould rob the very Lands themſelves that have been given to their Maker.

That ſuch Curſes reſtrain the Parliament in their undeniable Right, is (you have told me) but a great miſtake: For though the Parliament may *impunè* (which in ſome caſe is called lawful) take away Church Lands, yet the Church it ſelf cannot do it juſtly without a Sin, and that a greater Sin, than removing a Land-mark, and then a higher may follow it. Let the *Epiſtler* then take heed of thoſe more than Bugbear words, for believe it, Sir, in ſuch Curſes as theſe, there is much more than Shows or Vizards, and if you will give truſt to any Stories at all, many great men have ſadly felt it.

His laſt Argument is ——— *Ask your Biſhops, Whether Church Lands may not lawfully (the Law of the States not prohibiting) be transferred from one Church to another, upon emergent Occaſions, which I think they will not deny; if ſo, who knows that the Parliament will transfer them to Lay-Lands? They profeſs no ſuch thing, and I hope they will not, but continue them for the maintenance of the Miniſtry.*

I conceive the Biſhops Anſwer would be, That it is no Sacriledge to transfer Land from one Church to another, but yet there may be much Rapine and Injuſtice, the Will of the Dead may be violated, and ſo Sin enough in the Action. Men may be injuriouſly put from the Eſtates, in which they have as good Title by the Law of the Land, as theſe ſame Men that put them out. To ſay then that the Church Lands may be totally given up, becauſe the *Epiſtler* hopes the Parliament will commit no Sacriledge, is a pretty way of perſuaſion, and may equally work on him to give up his own Lands, becauſe he may as well hope to be re-eſtated again, in that the Parliament will do no Injuſtice.

And

And now, Sir, having thus obſerved your Commands, yet one thing more I ſhall adventure to crave your Patience in, and 'tis to let you know, That if this *Epiſtler* had been right in both his Concluſions—*That Epiſcopacy is not of Divine Right, and that Sacriledge is no Sin*; yet if you caſt your Eyes upon His Majeſties Coronation Oath, wherein He is ſo ſtrictly ſworn to defend both the Epiſcopal Order, and the Church Lands and Poſſeſſions, you would eaſily acknowledge, That the King cannot yield to what this Letter aims at. And though I muſt needs gueſs, and that the *Epiſtler* knew well enough his Juratory Tye, yet you will the leſs blame him for his concealment in this kind, becauſe he was not retain'd of the Churches Councel.

His Majeſties Oath you may find publiſhed by Himſelf, in
1646. an Anſwer to the Lords and Commons in Parliament, 26 *May*. It runs thus:

Epiſcopus.] *Sir, Will You grant and keep, and by Your Oath confirm unto the People of* England, *the Laws and Cuſtoms to them granted by the Kings of* England, *Your Lawful and Religious Predeceſſors; and namely, the Laws, Cuſtoms and Franchiſes granted to the Clergy by the Glorious King* Edward *Your Predeceſſor, according to the Laws of God, the true Profeſſion of the Goſpel eſtabliſhed in this Kingdom, and agreeable to the Prerogative of the Kings thereof, and the ancient Cuſtoms of this Realm?*

R E X.] I grant and promiſe to keep them.

Epiſcopus.] *Sir, Will You keep Peace and godly Agreement intirely (according to Your Power) both to God, the Holy Church, the Clergy, and the People?*

R E X.] I will keep it.

Epiſcopus.] *Sir, Will You (to Your Power) cauſe Law, Juſtice and Diſcretion, in Mercy and Truth to be executed in all Your Judgments?*

R E X.] I will.

Epiſcopus.

Epiſcopus.] *Will You grant to hold and keep the Laws, and rightful Cuſtoms which the Commonalty of this Your Kingdom have? And will You defend and uphold them, to the Honour of God, as much as in You lieth?*

REX. I grant and promiſe ſo to do.

Then one of the Biſhops reads this Admonition to the King before the People, with a loud voice:

Our Lord and King, we beſeech You to pardon, and grant and preſerve unto us, and to the Churches committed to our Charge, all Canonical Priviledges, and due Law and Juſtice: And that You would protect and defend us, as every good King in His Kingdom ought to be Protector and Defender of the Biſhops, and the Churches under their Government.

Then the King ariſeth, and is led to the Communion Table, where He makes a Solemn Oath in the ſight of all His People, to obſerve the Promiſes, and laying His Hand upon the Book, ſaith ——

The Things which I have before promiſed, I ſhall perform and keep. So help me God, and the Contents of the Book.

In the firſt Clauſe (it is plain) He makes a promiſſory Oath to the whole People of *England*, (a word that includes both Nobility, Clergy, and Commons) *That He will keep and confirm their Laws and Cuſtoms.*

And in the ſecond, He ſwears a particular Promiſe to the Clergy, *That He will keep the Laws, Cuſtoms and Franchiſes granted to the Clergy by the Glorious King* Edward.

And again (more plain in the fifth Clauſe) he makes the like promiſſory Oath to the Biſhops alone, in behalf of themſelves, and their Churches, *That He will preſerve and maintain to them all Canonical Priviledges, and due Law and Juſtice: And that He will be their Protector and Defender.* Where ſince He ſwears Protection to the Biſhops by Name, 'tis plain He

ſwears

ſwears to maintain their Orders: For he that ſwears he will take care, that Biſhops be preſerved in ſuch and ſuch Rights, muſt needs ſwear to take care, that Biſhops ſhall firſt be, for their Rights muſt needs ſuppoſe their Eſſence.

And where the King ſwears Defence, it muſt needs be in a Royal Kingly way: *Tu defende Me Gladio, & Ego defendam Te Calamo*, is the well known Speech of a worthy Churchman to his Prince. For ſure where Kings ſwear defence to Biſhops, I do not think they ſwear to write Books in their behalf, or to attempt to make it clear to their People, That Epiſcopacy is *Jure Divino*: But a King (whoſe Propriety it is to bear the Sword) ſwears to bear it in defence of Biſhops. For though it be againſt the very Principles of Chriſtian Faith, that Religion ſhould be planted and reformed by Blood, yet when Chriſtian Kings have by Law ſetled this Religion, and ſworn defence of thoſe Perſons that ſhould preach it, he ought ſure to bear his Sword to defend his Laws, and to keep his Soul free from Perjury, as well to them, as the reſt of his Subjects.

And as by Canonical Priviledge that belong to them and their Churches, there muſt needs be implied the Honour of their ſeveral Orders, (as that Biſhops ſhould be above Presbyters, *&c.*) together with all the due Rights and Juriſdictions. And the words, *Due Law and Juſtice*, cannot but import, That His Majeſty binds Himſelf to ſee that Juſtice be done to them and their Churches, according to Law then in force when He took that Oath. And the King ſwears *Protection and Defence*, that Clauſe muſt needs reach not only to their Perſons, but to their Rights and Eſtates; for He ſwears not only to Men, but to Men in ſuch a condition, to Biſhops of their Churches. And whereas He ſwears to be their *Protector and Defender, to His Power, in the Aſſiſtance of God*; thoſe words, *To His Power*, may ſeem to acquit Him of all the reſt, if He fall into a condition wherein all Power is taken from Him. But, Sir, I will prove that a miſtake for one of the greateſt Powers of the King of *England*; Is His Negative in Parliament ſo, that without Him no Law can be Enacted there, ſince 'tis only the Power Royal that can make a Law to be Law? So

that

So that if the King ſhould paſs a Statute to take away the Churches Lands, He protects it not to His Power: ſince 'tis plain, ſo long as a Man lives and ſpeaks, he hath ſtill power to ſay No: For it cannot be ſaid in this Caſe, that the Church may be (as it were) raviſht from the King, and then He may be no more guilty of the Crime, than *Lucretia* was in her Rape; for though a chaſte Body may ſuffer Raviſhment, yet the ſtrength of a *Tarquin* cannot poſſibly reach to Man's Will or Aſſent.

Now in all promiſſory Oaths made for the benefit of that Party to whom we ſwear, 'tis a Rule with Divines, That they (of all others) do moſt ſtrictly bind, except then allow when Remiſſion is made ——— *Conſenſu illius cui facta eſt promiſſio.* So although the King ſwear to the People of *England*, *That He will keep and preſerve their Laws*, yet if upon their common deſires theſe Laws be either abrogated, or altered, 'tis clear that Oath binds no farther, becauſe a Remiſſion is made by their own conſent who deſired that Promiſe from Him. And upon this ground 'tis true, the King ſwears to obſerve the Laws only *in Senſu compoſito*, ſo long as they are Laws; but ſhould this deſire either to alter or abrogate either Law or Priviledge, proceed from any other but from them alone to whoſe benefit He was ſworn, 'tis plain by the Rules of all Juſtice, that by ſuch an Act or Deſire, His Oath receives no remiſſion; for the foundation of this Promiſſory is the Oath He was ſworn to, and it cannot be remitted but by them alone for whoſe ſakes it was taken; ſo that when (in the ſecond Part of the firſt Clauſe, and more plainly in the fifth) He ſwears a benefit unto the Biſhops alone in behalf of them and their Churches, 'tis apparent this Oath muſt perpetually bind, except a remiſſion can be obtained from the Biſhops themſelves, and their Churches He was ſworn to.

This then muſt be confeſſed to be the ſenſe of the Oath, that when the King hath firſt ſworn in general, *to grant, keep and confirm the Laws and Cuſtoms of the People of* England, He farther yet ſwears to the Clergy, *to preſerve their Laws and Priviledges*, and ſince theſe are not able to make a Negative in

Parliament, ſo that the Clergy may be eaſily ſwallowed up by the People, and by the Lords; therefore in a more particular manner, they have obtained an Oath to be made unto them by the King, which being for their particular benefit, it cannot be remitted without their expreſs Conſent: So that although an Act of Parliament being once paſſed by the Votes of the King, and both Houſes, it doth (Sir, as you have told me our Lawyers ſay) bind the whole People of *England*, yea, the whole People, as it includes the Clergy too; yet it concerns the King, by vertue of His Oath, to give His Vote to no ſuch Act as ſhall prejudice what He hath formerly ſworn unto them, except He can firſt obtain their expreſs Conſent, that He may be thereby freed from His Juratory Obligation.

It may be ſaid, perhaps, That in the Conſent given by both Houſes of Parliament, the Conſent of the Clergy is tacitly implied, and ſo it is (ſay our Lawyers, as you have told me Sir) in reſpect of the Powers obligatory, which an Act ſo paſſed obtains upon them; for they affirm, That it ſhall ſtrongly bind the Clergy, as if they themſelves had in expreſs terms conſented to it, although Biſhops being debarr'd from the Votes in Parliament, and neither they nor their inferiour Clergy having made choice of any to repreſent them in that great Council, their Conſent can be in no fair ſenſe ſaid to be involved in ſuch Acts as are done, as well without their Repreſentative Preſence, as their Perſonal. But the Queſtion is, Whether ſuch tacit Conſent (though it be indeed againſt their expreſs Wills) can have a Power remiſſory to the King, to abſolve Him of His Oath? He that affirms it muſt reſolve to meet with this great Abſurdity, that although beſides His general Oath to all the People of *England*, His Majeſty be in particular ſworn to the Rights of the Clergy, yet they obtain no more benefit by this, than if He had ſworn only in general; which is as much as to ſay, that in this little Draught, Oaths are multiplied without neceſſity; nay, without ſignification at all: And that the greateſt part of the firſt, and the whole fourth Clauſe, are nothing elſe but a more painful Draught of ſuperfluous Tautologies.

For

For His yielding to the two first Lines, swears Him *to keep and to confirm the Laws and Customs of the whole People of* England; which word *People*, includes those of the Clergy too, and so in general their Laws and Customs are confirm'd (no doubt) in these words, and so confirm'd, that they cannot be shaken, but at least by their tacit Consent in Parliamentary way: And since the King condescends to afford to their Rights a more particular Juratory Tye, there is no doubt but it binds in a way too that's more particular; so that His Majesty cannot expect a remission of this Oath, without the Consent clearly expressed.

For as when the King swears to keep the Laws of the whole People in general, He can by no means acquire a remission of this Oath, but by the express Consent of the People. So when in particular He swears unto the Laws and Customs of the Clergy, this Oath must needs bind, until it be remitted in an express Form, either by the whole Clergy themselves, or by some Body of Men (at least) that represents the Clergy, *quatenus* a Clergy, and not only as they are involved in that great Body of the People. So that he that presumes to persuade His Majesty to pass any Act in prejudice of the Ecclesiastical Body, (to whom He is thus sworn) without their express Consent first obtained, counsels Him that which is both injurious to his Fellow Subjects; nay, which is indeed a most damnable wickedness against the very Soul of the King.

SIR, As I conceive, it is now plain enough, That if the Parliament should destroy the Episcopal Order, and take away the Lands of the Church, the Houses in that Act will run themselves into two Sins, and His Majesty into three. And upon this Supposition the *Epistler* and I have agreed; *I do not think*, saith he, *that Convenience or Necessity will excuse Conscience in a thing in it self unlawful:* And before that, he calls the contrary, the Tenent of the *Romanist*, or *Jesuited Puritan*; only I will beseech him for his own Souls sake, to consider how great a Scandal he hath given to Mankind, in defence of such Sins as these: For, I conceive, that *Durand* offended more, in holding

holding that Fornication was no Sin againſt the Law natural, than *Sechem* did (who was only under that Law) in his luſt upon old *Jacob*'s Daughter; for *Fraudem legi facere*, (ſaith the *Civilian*) is worſe than *Legem violare*. It argues a more unſubject-like diſpoſition, for a Man to put Tricks and Fallacies upon his Princes Laws, than to run himſelf into a downright Violation: And God (we know) is a King; *I am a great King, ſaith the Lord of Hoſts, and a King in whoſe hands is a vengeance.*

'Tis true, SIR, we are thus put into a very ſad Condition, when the only Option that ſeems left us now, is either to chuſe Sin or Ruine; but yet (if well us'd) 'tis a Condition glorious, a Condition in which all that Noble Army of Martyrs ſtood, before they could come at Martyrdom. And if in preparation of mind, we thus lay our Lives down at the Feet of Chriſt, I am undoubtedly perſuaded it is the onely way to preſerve them; for this Word of God is the Lord of Hoſts too, and for his Glories ſake, he oft effects to ſave them who have loſt both their ſtrength and hopes: But to you, Sir, whom I know ſo well, ſuch Perſuaſions as theſe are needleſs. I reſt

Your very Faithful Servant.

FINIS.

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